



RICHARD J. CODEY
ACTING GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
AUGUST 10, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Randy Burd
Brick Township School District
Removal

In the Matter of Charles Enger
Borough of Hopatcong
Department of Public Works
Removal

In the Matter of Mercedes Goodridge
County of Morris
Long Term Care Services Department
Removal

In the Matter of Lucille Hall
County of Passaic
Preakness Hospital
Suspension

In the Matter of Wayne Hundemann
Borough of Carteret
Suspension

In the Matter of Richard McPolin
Adult Diagnostic and Treatment Center
Department of Corrections
Suspension

In the Matter of Estelle Ward
Newark School District
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A2 RUI DOMINGUES

Rui Domingues, Police Officer, City of Newark, Police Department, ten-day suspension on the charge of neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the ten-day suspension.

ACTION:

A-3 KELLY FUCHS

Kelly Fuchs, Practical Nurse, County of Monmouth, Department of Corrections and Youth Services, release at the end of the working test period effective May 30, 2003.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION:

A-4 JOSEPH KOVACS

Joseph Kovacs, Jr., Bergen County Municipal Utilities Authority, appeals the good faith of his layoff effective July 1, 1999, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant Summary Decision and dismiss the appeal.

ACTION:

A-5 TONY RICHEY

Tony Richey, Senior Custodian, Newark School District, demotion to the position of Custodian effective April 12, 2004, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal with prejudice.

ACTION:

A-6 GARY SCYMANSKI

Gary Scymanski, Police Sergeant, Township of Sparta, Police Department, eight-day suspension on charges of insubordination, conduct unbecoming a public employee and violation of Police Department rules and regulations.

Recommendation of the Administrative Law Judge – Reverse the eight-day suspension.

ACTION:

A-7 EDMOND TYLER

Edmond Tyler, Correction Officer, County of Burlington, County Jail, 15-day suspension on charges of conduct unbecoming a public employee and violation of policies and procedures.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension.

ACTION:

A-8 CHARLES VENA

Charles Vena, Emergency Medical Technician, City of Passaic, Police Department, 1) 15-day suspension on charges of incompetency, inefficiency, or failure to perform duties, conduct unbecoming a public employee, neglect of duty, and failure to notify supervisor of request for time off, 2) and ten-day suspension on charges of conduct unbecoming a public employee and violation of rules and regulations regarding unfavorable conduct, misconduct and false statement.

Recommendation of the Administrative Law Judge – Reverse the 15-day suspension and modify the ten-day suspension to a 4-day suspension.

ACTION:

A-9 DELIA BALL

Delia Ball, Judiciary Account Clerk 2, Burlington Vicinage Judiciary, removal effective May 27, 2003, on charges of conduct unbecoming a public employee and violation of the Judiciary code of conduct.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-10 LIBORIO LORUSSO

Liborio Lorusso, Carpenter, Jersey City School District, removal effective December 4, 1995, on charges of insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-11 KONSTANTI XIROUCHAKIS

Konstanti Xirouchakis, Police Officer, Township of Union, Department of Public Safety, removal effective June 4, 2001 on charges of violation of the Attorney General's Law Enforcement Drug Testing Policy and Violation of the Township of Union Public Safety Policy and Procedures regarding notification of complaint and/or arrest for violation of local, state or federal law.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-12 CHRISTIAN COFONE (CONSOLIDATION)

Christian Cofone, Police Officer, Township of Middletown, Department of Public Safety, indefinite suspension on charges of conduct unbecoming a public employee and other sufficient cause and a removal effective June 23, 2003, on charges of violations of various Police Department rules and regulations, *inter alia*, obedience to laws and rules, prohibited activity on duty, personal conduct and duty requirements, conduct unbecoming a public employee and other sufficient cause. This matter was held over from the Merit System Board meeting of July 27, 2005.

Recommendation of the Administrative Law Judge – Modify the removal to a Letter of Reprimand.

ACTION:

SECTION B – MISCELLANEOUS MATTERS**B-1 PAUL EVERTON**

Paul Everton, represented by Richard P. Krueger, Esq., appeals his rejection as a Correction Officer Recruit, Juvenile Justice candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 RAY C. WHITE

Ray C. White, represented by Stephen B. Hunter, Esq., appeals his rejection as a Correction Officer Recruit, Juvenile Justice candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 WILLIAM HAYES

William Hayes appeals his rejection as a Correction Officer Recruit by the New Jersey Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-4 TRAVIS RAGLAND

Travis Ragland appeals his rejection as a Police Officer by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-5 LUCIDIA AFANADOR

Lucidia Afanador, a Practical Nurse with the Vineland Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 LINDA ALFORD-FENNELL

Linda Alford-Fennell, a Manager 1, Human Resources, with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 FRANCINE CANNATA

Francine Cannata, a Charge Nurse with Ann Klein Forensic Center, Department of Human Services, represented by William L. Kaufman, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 WILLIAM EBINGER

William Ebinger, a Senior Food Service Handler with the Ancora Psychiatric Hospital, Department of Human Services, represented by Allen J. Littlefield, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-9 CHRISTINE KING

Christine King, a Teacher 1 (12 months) with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-10 ELLEN J. KOHLER

Ellen J. Kohler, a Supervising Family Service Specialist 2 (Bilingual in Spanish and English) with the Division of Youth and Family Services, Department of Human Services, represented by Jeffrey L. Dashevsky, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-11 DOMINICK V. MANGINE

Dominick V. Mangine, a Storekeeper 2 with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-12 KIM R. MYERS

Kim R. Myers, a Supervisor, Personnel Records and Payroll Processing 2 with the Vineland Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-13 BARBARA RILEY

Barbara Riley, a Senior Probation Officer with the Judiciary Vicinage 2 – Cumberland, Gloucester and Salem Counties, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-14 RUSSELL DAVIS

Russell Davis, an Assistant District Parole Supervisor, with the State Parole Board (SPB), appeals the determination of the Executive Director of SPB stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-15 ROBERT PICONE

Robert Picone requests reconsideration of the final administrative decision rendered on January 12, 2005, which upheld the determination of the Chief of Staff, Department of Environmental Protection, which found that the petitioner failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-16 RUTH SPAE

Ruth Spae, an Agent with the Motor Vehicle Commission, represented by Ramon E. Rivera, Esq., petitions the Merit System Board for reconsideration of the final decision rendered on September 8, 2004, which upheld the determination of the Director, Division of Civil Rights and Affirmative Action with the Department of Transportation, stating that there was probable cause to substantiate a finding that the appellant violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-17 ASSUNTINA MANOCCHIO

Assuntina Manocchio, a former Police Officer with the City of Jersey City, represented by Michael Montanari, Esq., requests a hearing regarding her removal from employment effective February 15, 2005, based upon her dismissal from the Somerset County Police Academy.

ACTION:

B-18 THOMAS MCNAUGHTON

Pemberton Township, represented by Denis C. Germano, Esq., petitions the Merit System Board for a stay of that portion of its final decision rendered on January 12, 2005, which assessed it \$1,000 in administrative costs.

ACTION:

B-19 RANDY T. SANDIFER

Randy T. Sandifer, a Police Officer with the City of Jersey City, represented by Ciro A. Spina, III, Esq., petitions the Merit System Board for interim relief of his removal, effective February 4, 2005.

ACTION:

B-20 WILLENE CARROLL

Willene Carroll, a Family Service Specialist 1 with the Department of Human Services, appeals the decision of the Assistant Commissioner for Human Resources denying her request for a reasonable accommodation.

ACTION:

B-21 ANTHONY BAILEY

The appeal of Anthony Bailey, a County Correction Officer with the County of Mercer, of his 10 and 20-day suspensions and four removals, effective December 18, 2003, on charges, was heard by Administrative Law Judge John R. Futey (ALJ), who rendered his initial decision on March 22, 2005. At its meeting on July 27, 2005, the Merit System Board did not adopt the ALJ's recommendation to reverse the penalties. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION:

B-22 RICHARD BODINE

The appeal of Richard Bodine, an Institutional Trade Instructor 2, Cooking, at South Woods State Prison, Department of Corrections, of his removal effective August 13, 2004, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on May 24, 2005. At its meeting on July 27, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a resignation in good standing. Rather, the Board upheld the removal. The proposed final decision is now submitted for the Board's review.

ACTION:

B-23 RICHARD HOLLAND

The appeal of Richard Holland, a Grounds Worker at Rowan University, of his removal effective November 7, 1997, on charges, was heard by Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on April 29, 2005, reversing the removal. At its meeting on July 27, 2005, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board upheld the removal. The proposed final decision is now submitted for the Board's review.

ACTION:

B-24 MARCIA SPENCER

The appeal of Marcia Spencer, a Cottage Training Technician with the North Jersey Developmental Center, of her removal effective July 10, 2003, on charges, was heard by Administrative Law Judge (ALJ) Irene Jones, who rendered her initial decision on April 5, 2005. At its meeting on July 27, 2005, the Merit System Board adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION:

B-25 KENNETH AKABOGU, ET AL.

Kenneth Akabogu, Raymond Jordan, Beatrice Nwachukwu, Paul Okafor, Barry Schreiber, Kinya Scott, Prerna Trivedi and Chyrl Wreh appeal the eligibility requirements for and/or closing date given to the promotional examination for Auditor 1 Taxation (PS5170U), Division of Taxation.

ACTION:

B-26 CHRISTINA ARZEEZ

Christina Arzeez appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Program Support Specialist 1 (Assistance Programs) (S3035F).

ACTION:

B-27 RALPH ASPLEN ET AL.

Ralph Asplen, Scot Frow, John Edwards, Joseph DeMarie, Charles D'Amico, Robert Goodwin, Herbert Gross, and Steven Rinaldi appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Section Chief, Waste Management, Managerial (PS5209G), Department of Environmental Protection. This matter was held over from the July 27, 2005 Merit System Board meeting.

ACTION:

B-28 CLINTON J. GRIGGS

The Department of Transportation petitions the Merit System Board for reconsideration of the final decision rendered on June 8, 2005, which upheld the determination that Clinton J. Griggs did not meet the educational requirements for the promotional examination for Supervising Engineer, Construction and Maintenance (PS3758T), Department of Transportation.

ACTION:

B-29 BRETT BAILEY

Brett Bailey appeals the determination of the Division of Selection Services which found that he did not meet the educational requirement for a prospective appointment for Civil Engineer Trainee, Department of Environmental Protection.

ACTION:

B-30 KELLY BENUCCI, ET AL.

Kelly Benucci, Janice Sarclette, and Marilyn Serrano appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Technical Assistant, Personnel (PS4330I), Department of Corrections.

ACTION:

B-31 MICHAEL CAPORASO

Michael Caporaso appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Assistant Supervisor of Motors (PM1531F), City of Elizabeth.

ACTION:

B-32 THOMAS CIACCIARELLI

Candie Brown, Chief, Human Resources, State Parole Board, on behalf of Thomas Ciacciarelli, appeals the determination of the Division of Selection Services which found that Mr. Ciacciarelli did not meet the experience requirements for the promotional examination for Chief Investigator, Secured Facilities (PS4343I), State Parole Board.

ACTION:

B-33 JENNIEVESE COHEN AND MARGARET SWEENEY

Jennievese Cohen and Margaret Sweeney appeal the decision of the Division of Selection Services that found that, per the substitution clause for education, they were below the minimum requirements in experience for the open competitive examination for Senior Administrative Analyst (M6777F), City of Newark.

ACTION:

B-34 MARY CORCORAN, ET AL.

Mary Corcoran, Mary Strybuc and Deborah Varanyak appeal the determinations of the Division of Selection Services that they did not meet the experience requirements for the open competitive examination for Scheduler (S6802G).

ACTION:

B-35 MARIA DAVIS

Maria Davis appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Human Services Specialist 1 (C0937G), Salem County.

ACTION:

B-36 JAMES DOCKERY AND JAMES LUPFER

James Dockery and James Lupfer appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in education and experience for the open competitive examination for Coordinator of Volunteers (C6379G), Bergen County.

ACTION:

B-37 MERLE EDELMAN-WILCOX

Merle Edelman-Wilcox appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open competitive examination for Day Care Center Technician (S0379F), Department of Human Services.

ACTION:

B-38 PATRICIA EPPS

Patricia Epps, Charlika Little, and Deanna Wilson appeal the determination of the Division of Selection Services that they did not meet the experience requirements for the promotional examination for Senior Therapy Program Assistant (PS9893K), New Lisbon Developmental Center.

ACTION:

B-39 DONNA Y. FRIZINO

Donna Y. Frizino appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 1, Accounting (PS2980K), New Lisbon Developmental Center, Department of Human Services.

ACTION:

B-40 DELLA A. GRANT

Della A. Grant appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Senior Clerk Typist (PS2541H), Department of Health and Senior Services.

ACTION:

B-41 CHESTER GREBLOWSKI

Chester Greblowski appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Assistant Supervisor of Motors (PM1531F), City of Elizabeth.

ACTION:

B-42 MICHAEL J. KORMAN

Michael J. Korman appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Personnel Officer (PM1546F), City of Hoboken.

ACTION:

B-43 DORIS LEWIS

Doris Lewis appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Personnel Assistant 3 (PS4241K), Division of Youth and Family Services.

ACTION:

B-44 JOAN MAKLE, ET AL.

Joan Makle, Katrina Owens, Judy Piscatowski and Kim Theodore appeal the determinations of the Division of Selection Services which found that they did not meet the experience and/or education requirements for the open competitive examination for Court Representative, Board of Education (M6820F), Newark School District.

ACTION:

B-45 CARRIE MEANS-RUFFIN

Carrie Means-Ruffin appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Supervising Program Development Specialist (PS4124K), Department of Human Services.

ACTION:

B-46 PATRICIA PHILIPS

Patricia Phillips appeals the determination of the Division of Selection Services that per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Governmental Relations Specialist 3 (PS3601K), Division of Medical Assistance and Health Services.

ACTION:

B-47 NORMA WILLIAMS

Norma Williams appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the open competitive examination for Field Representative, Neighborhood Preservation (M6882G), Atlantic City.

ACTION:

**B-48 SUPERVISING SEWAGE PLANT OPERATOR (PM1359F),
HAMILTON TOWNSHIP**

The appointing authority appeals the final averages awarded to eligibles for the promotional examination for Supervising Sewage Plant Operator (PM1359F), Hamilton Township.

ACTION:

B-49 ANN FILIPONE

Ann Filipone appeals her score on the promotional examination for Accountant (PC0387F), Ocean County.

ACTION:

B-50 MARIBEL MORA

Maribel Mora appeals her score on the bilingual portion of the open competitive examination for Investigator Trainee Public Defender, Bilingual in Spanish/English (S6720E), Statewide.

ACTION:

B-51 JAMES VAN WINKLE

James Van Winkle, represented by Michael Prigoff, Esq., and the City of Jersey City, represented by Anthony DeSalvo, Assistant Corporation Counsel, petition the Merit System Board for acknowledgment of the settlement agreement reached by the parties, which provides for the appointment of Van Winkle as a Fire Fighter.

ACTION:

B-52 MICHELLE SENNI

Michelle Senni requests that her-out-of-title work experience be accepted to qualify her for a lateral reclassification to Executive Assistant 3, Trenton Psychiatric Hospital.

ACTION:

B-53 SUSAN ROWE

The Division of Human Resource Management (HRM) requests that the Merit System Board expand the title scope of a promotional examination, pursuant to N.J.A.C. 4A:4-2.5(d)5, in order to permit the promotion of Susan Roe from the non-competitive title of Practical Nurse to the competitive title of Training Assistant.

ACTION:

B-54 ARLENE CRYER, ET AL.

Arlene Cryer, Sandra Dill, Josephine Faber, Susan Kelly, Emily Kronenberger, Stefanie Mozgai, and Crescenza Zizza, represented by Thomas Fagan, Staff Representative, Communications Workers of America, Local 1034 (CWA), request retroactive permanent appointment dates of September 9, 2000 to the Health Care Services Evaluator/Nurse title.

ACTION:

B-55 SUPERVISING SCHOOL TRAFFIC GUARD

The Director, Division of Human Resource Management (HRM), requests Merit System Board review of the establishment of the title Supervising School Traffic Guard in the career service. At its meeting on July 27, 2005, the Board conducted a public hearing, pursuant to N.J.S.A. 11A:3-6, regarding the matter. The Board voted to hold this matter over for further review of the public comments presented at the meeting.

ACTION:

B-56 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of July 27, 2005 are submitted for adoption.

ACTION: